

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 ORACLE USA, INC., a Colorado corporation;  
4 ORACLE AMERICA, INC., a Delaware  
5 corporation; and ORACLE INTERNATIONAL  
6 CORPORATION, a California corporation,

7 Plaintiffs,

8 v.

9 RIMINI STREET, INC., a Nevada corporation;  
10 AND SETH RAVIN, an individual,

11 Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**STIPULATION AND  
ORDER REGARDING RULE 67  
DEPOSIT AND BRIEFING  
SCHEDULE FOR ORACLE'S  
RENEWED MOTION FOR  
ATTORNEYS' FEES**

12 WHEREAS on September 21, 2016, the Court entered an award of \$28,502,246.40 in  
13 attorneys' fees in favor of Oracle (Dkt. 1049);

14 WHEREAS on October 18, 2016, the Court entered a final judgment that included the  
15 attorneys' fees award (Dkt. 1076);

16 WHEREAS on October 31, 2016, Rimini paid Oracle the judgment in full, including the  
17 complete attorneys' fees award plus postjudgment interest (Dkt. 1096, 1097);

18 WHEREAS on January 8, 2018, the U.S. Court of Appeals for the Ninth Circuit affirmed  
19 liability and prejudgment interest for Oracle's copyright infringement claims (*Oracle USA, Inc. v.*  
20 *Rimini Street, Inc.*, 879 F.3d 948 (9th Cir. 2018));

21 WHEREAS the Ninth Circuit reversed liability and prejudgment interest for the state  
22 computer hacking statutes—a sum total of \$19,764,595.85 (Dkt. 1076 ¶¶ 3-4)—and reversed  
23 \$1,515,285.45 in taxable costs (*Rimini*, 879 F.3d at 962-65) (hereinafter, the “Reversed Sums”);

24 WHEREAS the Ninth Circuit “vacate[d] the [attorneys'] fee award and remand[ed] for  
25 reconsideration” (*Rimini*, 879 F.3d at 965);

26 WHEREAS on March 13, 2018, Oracle filed a Motion to Deposit Attorneys' Fee Award with  
27 the Court, requesting permission pursuant to Rule 67 of the Federal Rules of Civil Procedure to  
28 deposit with the Court the \$28,502,246.40 attorneys' fees award vacated by the Ninth Circuit, which

1 award Rimini previously paid to Oracle, pending resolution of Oracle's renewed motion for  
2 attorneys' fees (Dkt. 1114);

3 WHEREAS the parties now agree that Oracle can deposit \$28,502,246.40 with the Court  
4 pursuant to Rule 67, on the conditions that Oracle (1) withdraws its pending motion, (2) promptly  
5 pays back to Rimini the Reversed Sums with postjudgment interest, and (3) agrees to provide Rimini  
6 with 60 days to oppose Oracle's renewed motion for attorneys' fees (Dkt. 1118); and

7 WHEREAS Rule 67 requires from the Court an "order permitting deposit" (Fed. R. Civ.  
8 P. 67(b));

9 THEREFORE IT IS HEREBY STIPULATED by and between the Parties that:

10 1. Oracle shall withdraw its pending Motion to Deposit Attorneys' Fee Award with the  
11 Court.

12 2. Oracle shall promptly pay back to Rimini all Reversed Sums with postjudgment interest.

13 3. The Parties request that the Court enter the attached Rule 67 Proposed Order, which  
14 authorizes Oracle to deposit \$28,502,246.40 with the Court in its Registry Account, to be disbursed  
15 with appropriate interest according to this Court's resolution of Oracle's renewed motion for  
16 attorneys' fees. This disbursement is to occur without respect to either party's subsequent appeal  
17 from this Court's decision.

18 4. Rimini shall have 60 days from the date of Oracle's renewed motion for attorneys' fees  
19 to file its opposition brief to Oracle's renewed motion for attorneys' fees.

20  
21 **SO STIPULATED AND AGREED.**

22 DATED: March 29, 2018

GIBSON, DUNN & CRUTCHER LLP

23 By: /s/ Mark A. Perry  
24 Mark A. Perry

25 Attorneys for Defendants Rimini Street, Inc. and Seth  
26 Ravin  
27  
28

1 DATED: March 29, 2018

BOIES SCHILLER FLEXNER LLP

2 By: /s/ William Isaacson  
3 William Isaacson

4 Attorneys for Plaintiffs Oracle USA, Inc., Oracle  
5 America, Inc. And Oracle International Corporation

6 **ATTESTATION OF FILER**

7 The signatories to this document are William Isaacson and me, and I have obtained  
8 Mr. Isaacson's concurrence to file this document on his behalf.


9 DATED: March 29, 2018

GIBSON, DUNN & CRUTCHER LLP

10 By: /s/ Mark A. Perry  
11 Mark A. Perry

12 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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15 Dated: April 3, 2018

  
16 Hon. Larry R. Hicks  
17 United States District Judge  
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STIPULATION